

REMARKS

The Final Office Action dated August 3, 2009 has been received and reviewed. Claims 1, 15 and 19 have been amended herein. Care has been taken to add no new subject matter. Claims 22 and 31 have been canceled. Claims 1, 3-21, 23, 27-30 and 32 remain pending in the subject application. All claims stand rejected. Applicants respectfully request reconsideration of the present Application in view of the following remarks.

Rejections based on 35 U.S.C. § 103

A) Applicable Authority

Title 35 U.S.C. § 103(a) declares that a patent shall not issue when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” In *Graham v. John Deere*, the Supreme Court counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. See *Graham v. John Deere Co.*, 383 U.S. 1 (1966).

“In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” MPEP § 2141.02(I) (emphasis in original) (citing *StratoFlex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983)).

“The examiner bears the initial burden of factually supporting a *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness To reach a proper determination of obviousness, the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made. In view of all factual information, the examiner must then determine whether the claimed invention ‘as a whole’ would have been obvious at that time to that person. *Id* (emphasis added). Knowledge of applicant's disclosure must be put aside in reaching this determination [I]mpermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” MPEP § 2142.

“The key to supporting any rejection under 35 U.S.C. 103 is the **clear articulation of the reason(s)** why the claimed invention would have been obvious.” MPEP § 2142 citing *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (U.S. 2007) (emphasis added), which notes that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.

B.) Rejections Based Upon U.S. Publication No. 2003/0215142 to Gounares, et al. and U.S. Patent No. 6,421,461 to Arai, et al.

Claims 1 and 3-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over (hereinafter “Gounares”) and further in view of U.S. Patent No. 6,421,461 to Arai, et al. (Hereinafter “Arai”). As a *prima facie* case of obviousness cannot be established for the rejected claims based upon the asserted combination of references, Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 1

Claim 1 recites a method comprising receiving electronic ink input; converting the electronic ink input to one or more machine-generated objects; determining a size of the one or more machine-generated objects by calculating a maximum height of the corresponding electronic ink input and setting the size of the one or more machine-generated objects to be equivalent in scale for the calculated maximum height; and rendering the one or more machine-generated objects using the determined size for the machine-generated object or objects and an original inter-word spacing of the electronic ink input.

It is stated in the Final Office Action that “Gounares teaches . . . rendering the one or more machine-generated objects using a determined size for the machine-generated object or objects and an original inter-word spacing of the electronic ink input (Figs. 5 and 6, [0037], The examiner takes into account that . . . the size and inter-word spacing is substantially equal to the original size of the electronic ink input as seen in Figures 5 and 6.).”¹ However, Applicants respectfully submit that the size and inter-word spacing of the machine-generated text shown in Figures 5 and 6 of Gounares absolutely are not substantially equal to the size and inter-word spacing of the handwritten text. The size and inter-word spacing of the machine-generated text appears to be about half that of the handwritten text. Further, Gounares teaches that the properties of the machine-generated text are set programmatically and may be the same as nearby *text*, not nearby *handwriting*. “The color and/or font size of the textual ink, as well as whether the textual ink should be underlined, bold, italic, and/or the like may be set programmatically and may be based on the attributes of the text around the tInk object.”² Gounares also teaches that the *handwritten* input may be scaled to the current font size. “When

¹ *Office Action of 8/3/09*, p. 3.

inserted, the ink may be scaled to the current font size and other ambient properties, such as italics or bold, are applied.”³ However, Applicants have been unable to find any portion of Gounares that teaches or suggests that the machine-generated text is scaled or modified so that it matches the size or spacing *of the handwritten text*.

With further regard to **claim 1**, it is conceded in the Office Action that “Gounares does not teach calculating a maximum height of corresponding electronic ink input and setting the size of the one or more machine-generated objects to be equivalent in scale for the calculated maximum height.”⁴ It is further stated in the Office Action that “Arai teaches determining the size of and entry of handwritten data (such as the maximum height), and then outputting a candidate character of relative size (Figs. 25 and 29, col. 10, lines 12-23).” However, Aria does not output a character of relative size; rather, Arai teaches that each input character is normalized with respect to a fixed frame size of 100x100. “Then a step S2 normalizes the X, Y coordinate values of the input handwritten data to 100x100 by an ordinary method.”⁵ Aria scales the handwritten characters so that they are the same size as character patterns stored in a dictionary, in order to compare them with the dictionary patterns. “A step S3 effects matching with a dictionary pattern, stored in the dictionary 106 and normalized in the same method as that for the handwritten data in the step S2.”⁶

It is further stated in the Office Action that: “The Examiner takes into account that as in the Applicant's specification which discloses, for example, that ‘the average height (or other size characteristics) of the various ink characters may be determined ...,’ and thus since an average height is determined (normalization) it includes a step of determining a maximum

² Gounares, ¶ 0029.

³ Gounares, ¶ 0039.

⁴ Office Action of 8/3/09, p. 3.

height. As in Arai since the maximum height is also used in an equation to determine the output, it would be obvious to one of ordinary skill in the art at the time of the invention to use the maximum height of the input for the height of the output.”⁷ However, Aria does not teach or suggest determining a *maximum* height; rather, Aria determines the *height* of each character so that the character can be normalized. Normalization, as taught by Aria, does not mean determining an average height. It means that each character is scaled to fit within a 100x100 frame. There is no average taught or suggested by Aria, nor does Aria teach or suggest determining a maximum height. Aria determines the minimum X,Y coordinates and maximum X,Y coordinates of a character in order to calculate the character’s *height*. “At first a step S1 determines . . . the height of the character by calculating the difference between the maximum and minimum Y coordinates of the handwritten character.” But no maximum height of the handwritten input is determined at any point. Thus, it would not be obvious “to use the maximum height of the input for the height of the output” as is concluded in the Office Action, because neither Gounares nor Arai teach such.

As described above, Gounares fails to teach or suggest all of the features of claim 1. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, a prima facie case of obviousness for claim 1 cannot be established based upon the asserted combination of references. Claim 1 is believed to be in condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

⁵ Arai, col. 10, lines 24-26.

⁶ Arai, col. 10, lines 35-37.

⁷ Office Action of 8/3/09, p. 3.

Claim 15

Claim 15, as amended herein, recites a system comprising an input device adapted to receive electronic ink input; and a processor. The processor is adapted to: (a) convert the electronic ink input to one or more machine-generated objects; (b) determine a size of the one or more machine-generated objects by calculating an average height of the corresponding electronic ink input and setting the size of the one or more machine-generated objects to be equivalent in scale to the calculated average height; (c) render the one or more machine-generated objects using the determined size for the machine-generated object or objects and an original inter-word spacing of the electronic ink input, wherein word positions of the rendered machine-generated object or objects on a display correspond to original word positions of the electronic ink input on the display; (d) receive a request from a user to reformat the machine-generated objects in a manner consistent with a word-processing format; and (e) in response to the request, adjust the word positions of the rendered machine-generated objects wherein the word positions, the inter-word spacings, word wrap, and margins are consistent with the word-processing format.

In the Office Action, Applicant is instructed to “see rejection made to claim 1, for it addresses the method of this system.”⁸ Claim 15 has been amended herein to further distinguish the claim from the cited references. Claim 15, as amended, recites, in part, “wherein word positions of the rendered machine-generated object or objects on a display correspond to original word positions of the electronic ink input on the display.” With regard to a similar feature of claim 6, it is stated in the Office Action that Gounares teaches “wherein the one or more rendered machine-generated objects are arranged so as to correspond to an original

⁸ *Office Action of 8/3/09*, p. 6.

arrangement of the electronic ink input (Figs. 5 and 6, [0037]).”⁹ However, in Figs 3, 5 and 6 of Gounares (shown below), the word positions of the text clearly do not correspond to the word positions of the original ink input. For example, note the positions of the word “proposition.” In Fig. 3, which displays the input ink, “proposition” is the fourth word from the left in line four. In Fig. 5, which displays a portion of the ink having been converted to text, the word “proposition” is the first word from the left in line four. In Fig. 6, which displays all of the ink having been converted to text, the word “proposition” is the eighth word from the left in line three. Thus, as illustrated in these Figures from Gounares, it is *not* the case that “word positions of the rendered machine-generated object or objects on a display correspond to original word positions of the electronic ink input on the display” as recited in claim 15, as amended.

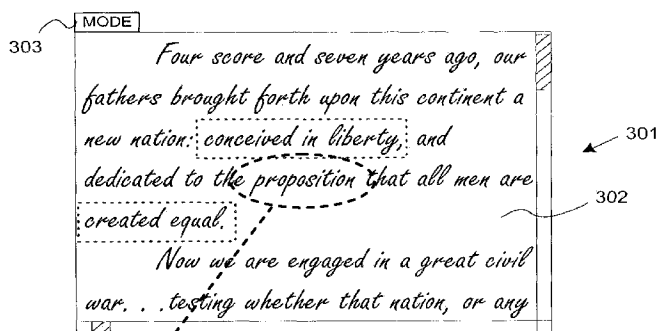


FIGURE 3

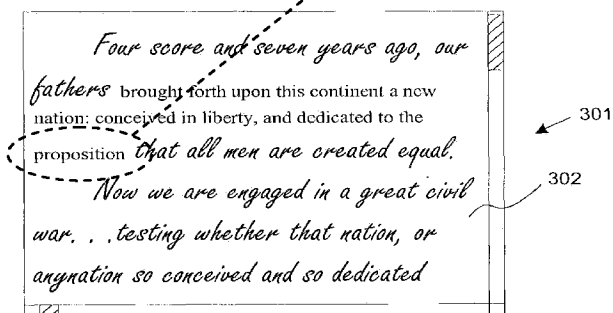


FIGURE 5

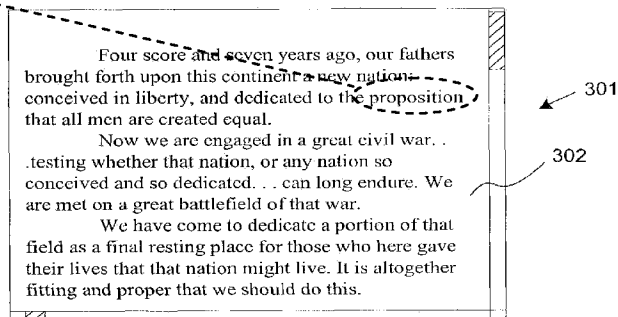


FIGURE 6

⁹ Office Action of 8/3/09, p. 4.

Further, in ¶ 0037, Gounares teaches that “[t]he ink input may be recognized and printed text may be inserted in its place.”¹⁰ That is what Figs. 3, 5 and 6 illustrate. It is important when reading ¶ 0037 to recognize the distinction that Gounares makes between “ink” and “printed text.” “Ink” refers to the handwritten input (“textual handwriting”) while “printed text” or “text” refers to the result of converting the “ink” into standard printed text, as shown in Figs. 3, 5 and 6 of Gounares. Thus, in ¶ 0037, Gounares teaches that the *ink* may be scaled to match the text font size, or the ink may retain its original size and position. “The displayed ink may be scaled to the current input font size of the InkEdit control and may be displayed inline with other text, and/or may otherwise be altered in its position, size, and/or color. Alternatively, the displayed ink may retain its original position, size, and/or color.”¹¹ However, the size and formatting of the converted *text* is controlled by the InkEdit control, which Gounares teaches operates similarly to the conventional RichTextBox control. Thus, the converted text is not formatted to correspond to the size and location of the ink; rather, the text is automatically formatted with a word-processing format, as is the case with the conventional RichTextBox control, as evidenced by Figs. 3, 5 and 6 of Gounares.

With further regard to **claim 15**, as amended, Applicants respectfully submit that neither Gounares nor Arai teach or suggest “receiv[ing] a request from a user to reformat the machine-generated objects in a manner consistent with a word-processing format,” as recited in claim 15, as amended. When **claim 15** is considered as a whole, the machine-generated objects start out having “word positions [that] . . . correspond to original word positions of the electronic ink input on the display” but end up with “the word positions, the inter-word spacings, word wrap, and margins are consistent with the word-processing format” as the result of a user

¹⁰ *Gounares*, ¶ 0037.

request. As discussed above, Gounares neither teaches nor suggests “wherein word positions of the rendered machine-generated object or objects on a display correspond to original word positions of the electronic ink input on the display” as recited in **claim 15**. Further, when Gounares converts the input in to text, the text is automatically formatted as if by a word-processing application. This is clearly seen in Figs. 5 and 6 of Gounares, shown above. Thus, in Gounares there is no need to “receive a request from a user to reformat the machine-generated objects in a manner consistent with a word-processing format” because Gounares’ “machine-generated objects” (“text”) are already consistent with a word-processing format.

With further regard to **claim 15**, Applicants respectively submit that Gounares does not teach or suggest “render[ing] the one or more machine-generated objects using the determined size for the machine-generated object or objects and an original inter-word spacing of the electronic ink input” for at least the reasons given above with regard to claim 1.

As described above, Gounares fails to teach or suggest all of the features of claim 15. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, it is respectfully submitted that a *prima facie* case obviousness cannot be established for claim 15 based upon the asserted combination of references for at least the above-cited reasons. Claim 15 is believed to be in condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

¹¹ *Gounares*, ¶ 0037.

Claim 19

Claim 19 recites a computer-readable memory medium including computer-executable instructions stored thereon which when executed by a processor perform a method. The method comprises receiving electronic ink input; converting the electronic ink input to one or more machine-generated objects; obtaining the received electronic ink input and determining a size of the one of more machine-generated objects by calculating a maximum height of the corresponding electronic ink input and setting the size of the one or more machine-generated objects to be equivalent in scale for the calculated maximum height; and rendering the one or more machine-generated objects using the determined size for the machine-generated objects or objects and an original inter-word spacing of the electronic ink input.

Applicants respectfully submit that Gounares and Arai, either singly or in combination, do not teach or suggest “obtaining the received electronic ink input and determining a size of the one of more machine-generated objects by calculating a maximum height of the corresponding electronic ink input and setting the size of the one or more machine-generated objects to be equivalent in scale for the calculated maximum height” or “rendering the one or more machine-generated objects using the determined size for the machine-generated objects or objects and an original inter-word spacing of the electronic ink input,” as recited in claim 19, for at least the reasons given above with regard to claim 1.

As Gounares fails to teach or suggest all of the features of claim 19 and Aria fails to cure the deficiencies of Gounares, claim 19 is believed to be in condition for allowance for at least the reasons given above with respect to claim 1. Therefore, it is respectfully submitted that a *prima facie* case obviousness cannot be established for claim 19 based upon the asserted combination of references for at least the above-cited reasons. Claim 19 is believed to be in

condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

Claim 3

With regard to **claim 3**, it is stated in the Office Action that “Arai teaches wherein the size of the one or more machine generated objects is determined by calculating an average height of at least a portion of the electronic ink input (Figs. 25 and 29, col. 10, lines 12-23).”¹² However, it is respectfully submitted that Arai does not calculate “an average height of at least a portion of the electronic ink input,” as recited in claim 3, for at least the reasons given above with regard to claim 1. Applicants reiterate that “normalize,” as taught by Aria, is not equivalent to “average.”

As described above, Gounares fails to teach or suggest all of the features of claim 3. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, claim 3 is believed to be in condition for allowance for at least the reasons given above.

Claim 8

With regard to **claim 8**, it is stated in the Office Action that “Gounares teaches . . . determining the original size of the electronic ink text input on a word-byword basis: wherein at least two words are separated by said original inter-word spacing (Fig. 3, and [0040], The examiner takes into account that since size can be determined by the InkEdit control, and since some ink can be selected by creating a box, it is clear that each word can be selected and the size of that word be determined while keeping the original inter-word spacing).”¹³ However, the Office fails to consider claim 8 as it was previously amended: “A method according to claim 7, further comprising calculating the maximum height of the electronic ink text input on a word-by-

¹² *Office Action of 8/3/09, p. 3.*

word basis, wherein at least two words are separated by said original interword spacing.” It is conceded in the Office Action, with regard to claim 1, that “Gounares does not teach calculating a maximum height of corresponding electronic ink input.”¹⁴ Further, as discussed above with regard to claim 1, Aria does not determine a maximum height of the input handwritten characters.

With further regard to **claim 8**, it is stated in the Office Action that “Arai teaches determining the size of and entry of handwritten data (such as the maximum height), and then outputting a candidate character of relative size (Figs. 25 and 29, col. 10, lines 12-23).”¹⁵ However, as discussed above with regard to claim 1, Aria does not output a character of relative size; rather, Arai teaches that each input character is normalized with respect to a fixed frame size of 100x100.

As described above, Gounares fails to teach or suggest all of the features of claim 8. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, it is respectfully submitted that a *prima facie* case obviousness cannot be established for claim 8 based upon the asserted combination of references for at least the above-cited reasons. Claim 8 is believed to be in condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

Claim 9

With regard to **claim 9**, it is stated in the Office Action that “Gounares teaches a method according to claim 8, wherein the machine-generated text is rendered, on the word-by-word basis, at a font size based on the determined original size of the electronic ink text input

¹³ Office Action of 8/3/09, p. 4.

¹⁴ Office Action of 8/3/09, p. 3.

¹⁵ Office Action of 8/3/09, p. 4.

(Figs 3-6, [0039-0040]).”¹⁶ However, Gounares clearly teaches that the electronic ink text *input*, not the machine-generated text, is scaled to the current font size. “When inserted, the ink may be scaled to the current font size and other ambient properties.”¹⁷

With further regard to **claim 9**, it is stated in the Office Action that “Arai teaches determining the size of and entry of handwritten data (such as the maximum height), and then outputting a candidate character of relative size (Figs. 25 and 29, col. 10, lines 12-23).” However, as discussed above with regard to claim 1, Aria does not output a character of relative size; rather, Arai teaches that each input character is normalized with respect to a fixed frame size of 100x100.

As described above, Gounares fails to teach or suggest all of the features of claim 9. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, it is respectfully submitted that a *prima facie* case obviousness cannot be established for claim 9 based upon the asserted combination of references for at least the above-cited reasons. Claim 9 is believed to be in condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

Claim 10

With regard to **claim 10**, the Office states “Gounares teaches . . . determining the original size of the electronic ink text input as an average size of a line of the electronic ink text input ([0029], ‘The color and/or font size of the textual ink, as well as whether the textual ink should be underlined, bold, italic, and/or the like may be set programmatically and *may be based on the attributes of the text around the tink object.*’).”¹⁸ However, when Gounares refers to

¹⁶ Office Action of 8/3/09, p. 4.

¹⁷ Gounares, ¶ 0039.

¹⁸ Office Action of 8/3/09, p. 5 (emphasis original).

“the attributes of the text around the tInk object,” it is referring to the attributes of the *machine-generated* text around the tInk object, not the attributes of the *input* text. Gounares teaches handwritten ink and textual ink. The tInk object facilitates the conversion of handwritten ink into textual ink. “The tInk object allows the handwritten ink to be converted to text.”¹⁹ Gounares only uses the word “text” in reference to the textual ink—never in reference to handwritten ink. Thus, “the attributes of the text around the tInk object” refers to the attributes of the machine-generated text, not the attributes of the input handwritten ink. Therefore, Gounares does not teach “determining the original size of the electronic ink text input as an average size of a line of the electronic ink text input” as asserted in the Office Action.

Further, the Office Action misquotes the claim, and fails to consider the claim as previously amended: “A method according to claim 7, further comprising: calculating an average height of the electronic ink text input for a line of the electronic ink text input, on a line-by-line basis, wherein at least one line includes at least two words separated by said original inter-word spacing.” As discussed above with regard to claim 1, Arai neither teaches nor suggests “calculating an average height of the electronic ink text input” as recited in claim 10. Applicants have been unable to find any portion of Gounares that teaches or suggest “calculating an average height of the electronic ink text input” as recited in the claim.

As described above, Gounares fails to teach or suggest all of the features of claim 10. Applicants respectfully submit that Arai fails to cure the deficiencies of Gounares. Therefore, it is respectfully submitted that a *prima facie* case obviousness cannot be established for claim 10 based upon the asserted combination of references for at least the above-cited

¹⁹ Gounares, ¶ 0029.

reasons. Claim 10 is believed to be in condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

Claim 11

With regard to **claim 11**, Applicants respectfully submit that Gounares does not teach rendering machine-generated text on a line-by-line basis “at a font size based on the average size of the electronic ink text input line” as asserted by the Office. As discussed above with regard to claim 10, when Gounares refers to “the attributes of the text around the tInk object,” it is referring to the attributes of the *machine-generated* text around the tInk object, not the attributes of the *input* text. Further, the attributes applied to the text by Gounares are attributes such as a font size that has already been applied to other text, not a calculated value such average height. Indeed, Gounares does not even calculate average height of the input text, as discussed above with regard to claim 10.

As described above, Gounares fails to teach or suggest all of the features of claim 11. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, it is respectfully submitted that a *prima facie* case obviousness cannot be established for claim 11 based upon the asserted combination of references for at least the above-cited reasons. Claim 11 is believed to be in condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

Claims 21, 22 and 23

With regard to **claim 21**, it is stated in the Office Action that Gounares teaches “wherein said step of rendering comprises: rendering the one or more machine-generated objects such that a word positioning of the rendered machine-generated object or objects substantially

corresponds to an original word positioning of the electronic ink input ([0037]).”²⁰ However, as discussed with regard to claim 1, Gounares teaches that the handwritten ink input may be scaled, but does not teach that the machine-generated text is scaled to match the placement of the text. In ¶ 0037, Gounares teaches that the displayed ink (user *input* ink) may be repositioned or displayed in its original location. “The displayed ink may be . . . altered in its position, size, and/or color. Alternatively, the displayed ink may retain its original position, size, and/or color.”²¹ However, applicants have been unable to find any portion of Gounares that teaches or suggests that the “word positioning of the rendered machine-generated object or objects substantially corresponds to an original word positioning of the electronic ink input” as recited in claim 21. Further, in Figs. 3, 5 and 6 of Gounares, it can be seen that the word positions of the machine-generated text do *not* correspond to the word positions of the electronic ink input.

As described above, Gounares fails to teach or suggest all of the features of claim 21. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, it is respectfully submitted that a *prima facie* case obviousness cannot be established for claim 21 based upon the asserted combination of references for at least the above-cited reasons. Claim 21 is believed to be in condition for allowance for at least the reasons given above and such favorable action is respectfully requested.

Claim 22 has been canceled by way of the present amendment thus rendering the rejection of this claim moot.

Claim 23 is believed to be allowable for at least the reasons given above with regard to claim 21.

²⁰ Office Action of 8/3/09, p. 6.

Claims 4-21 and 23

Claims 4-21 and 23 depend either directly or indirectly from claim 1, thus including all of the features of claim 1. As described above, Gounares fails to teach or suggest all of the features of claim 1. Applicants respectfully submit that Aria fails to cure the deficiencies of Gounares. Therefore, claims 4-21 and 23 are believed to be in condition for allowance for at least the reasons given above with regard to claim 1. Further, claims 4-21 and 23 recite additional features with respect to their base claim and are thus believed to be separately patentable.

B.) Rejections Based Upon Gounares and Wakeam

Claims 27-29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0215142 to Gounares, et al. and further in view of U.S. Publication No. 2005/0041834 to Wakeam, et al. As a *prima facie* case of obviousness cannot be established for the rejected claims based upon the asserted combination of references, Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 27 depends directly from claim 1, thus including all of the features of claim 1. As described above, Gounares fails to teach or suggest all of the features of claim 1. Applicants respectfully submit that Wakeam fails to cure the deficiencies of Gounares, nor is it relied upon to do so. Claim 27 is therefore believed to be in condition for allowance for at least the reasons given above with regard to claim 1. Further, claim 27 recites additional features with respect to its base claim and is thus believed to be separately patentable.

Claim 28 depends directly from claim 15, thus including all of the features of claim 15. As described above, Gounares fails to teach or suggest all of the features of claim 15.

²¹ *Gounares*, ¶ 0037.

Applicants respectfully submit that Wakeam fails to cure the deficiencies of Gounares, nor is it relied upon to do so. Claim 28 is therefore believed to be in condition for allowance for at least the reasons given above with regard to claim 15. Further, claim 28 recites additional features with respect to its base claim and is thus believed to be separately patentable.

Claim 29 depends directly from claim 19, thus including all of the features of claim 19. As described above, Gounares fails to teach or suggest all of the features of claim 19. Applicants respectfully submit that Wakeam fails to cure the deficiencies of Gounares, nor is it relied upon to do so. Claim 29 is therefore believed to be in condition for allowance for at least the reasons given above with regard to claim 19. Further, claim 29 recites additional features with respect to its base claim and is thus believed to be separately patentable.

B.) Rejections Based Upon Gounares and Geidl

Claims 30-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Gounares, et al. U.S. Publication No. 2003/0215142, and further in view of Geidl, et al. U.S. Publication No. 2003/0053084. As a *prima facie* case of obviousness cannot be established for the rejected claims based upon the asserted combination of references, Applicants respectfully traverse this rejection, as hereinafter set forth.

Claim 30 depends directly from claim 1, thus including all of the features of claim 1. As described above, Gounares fails to teach or suggest all of the features of claim 1. Applicants respectfully submit that Geidl fails to cure the deficiencies of Gounares, nor is it relied upon to do so. Claim 30 is therefore believed to be in condition for allowance for at least the reasons given above with regard to claim 1. Further, claim 30 recites additional features with respect to its base claim and is thus believed to be separately patentable.

Claim 31 has been canceled by way of the present communication thus rendering moot the rejection of this claim.

Claim 32 depends directly from claim 19, thus including all of the features of claim 19. As described above, Gounares fails to teach or suggest all of the features of claim 19. Applicants respectfully submit that Geidl fails to cure the deficiencies of Gounares, nor is it relied upon to do so. Claim 30 is therefore believed to be in condition for allowance for at least the reasons given above with regard to claim 19. Further, claim 32 recites additional features with respect to its base claim and is thus believed to be separately patentable.

CONCLUSION

For at least the reasons stated above, claims 1, 3-21, 23, 27-30 and 32 are now believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or mmsmith@shb.com (such communication via email is herein expressly granted) – to resolve the same.

The fees for a Request for Continued Examination and Three-Month Extension of Time are submitted herewith by way of electronic payment. It is believed that no additional fee is due. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number 305226.01/MFCP.151452.

Respectfully submitted,

/Mollie M. Smith/

Mollie M. Smith
Reg. No. 65,739

TLB/MMSX/jc
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108-2613
816-474-6550